

REMARKS

This Amendment is fully responsive to the non-final Office Action date May 14, 2008, issued in connection with the above-identified application. Claims 1-19 are all the claims presently pending in the present application. With this Amendment, claims 1-19 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-4, 7-11, 14-16 and 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hellhake (U.S. Patent No. 5,877,755, hereafter "Hellhake"). In this Amendment, claims 1-19 have been amended to place the claims in better form for U.S. patent practice. However, no claims have been amended to address any prior art rejections by the Examiner. The Applicants maintain that the cited prior art fails to disclose or suggest all the features of independent claims 1, 8 and 15, as originally filed.

For example, independent claim 1 recites the following features:

“[a] non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user and providing a user interface unique to each service, the system comprising:

a transmission means for sending out a control content, which implements the user interface, as a part or a whole of a content; and

a reception means for receiving the sent control content and activating the received control content to execute the user interface,

wherein the user interface is transmitted/received as the content.” (Emphasis added).

The features noted above in independent claim 1 are similarly recited in independent claims 8 and 15. Specifically, claims 8 and 15 recite the use of control content that is transmitted or received as a part or a whole of the content, as similarly recited in independent claim 1. The features noted above are fully supported by the Applicants' disclosure (e.g., Figs. 9 and 10).

The present invention, as recited in independent claims 1, 8 and 15, is distinguishable over the prior art in that control content is created in the same format as service content (i.e., corresponding to the content data file) and transmitted and received as a part or a whole of a

service content. Thus, the advantage of the present invention is that the user interface can be updated as the content is updated. No such advantages are believed to be disclosed or suggested by the cited prior art.

In the Office Action, the Examiner relies on Hallhake for disclosing or suggesting all the features recited in independent claims 1, 8 and 15. Hallhake is directed to a method and apparatus for facilitating interactive television, which includes accessing an interactive program, executing the interactive program, and providing a set of coded instructions that may be transmitted upstream.

Therefore, at best, Hallhake discloses that a program application data file and a content data file can be transmitted from a provider to a customer premise equipment device (CPE). Hallhake fails to disclose or suggest that the program application data file is transmitted as a part or a whole of a content data file, as recited in claims 1, 8 and 15.

Furthermore, Hallhake appears to require a core program on the CPE-side when obtaining a data file, whereas the present invention does not need an element corresponding to a core program. Therefore, the present invention is clearly different from Hallhake in this respect as well.

Based on the above discussion, independent claims 1, 8 and 15 are not anticipated or rendered obvious by Hallhake. Additionally, dependent claims 2-4, 7, 9-11, 14, 16 and 19 are not anticipated or rendered obvious by Hallhake at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

In the Office Action, claims 5, 6, 12, 13 and 17-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake in view of Markandey (U.S. Patent No. 6,526,144, hereafter "Markandey").

Claims 5 and 6 depend from independent claim 1; claims 12 and 13 depend from independent claim 8; and claims 17 and 18 depend from independent claim 15. As noted above, Hallhake fails to disclose or suggest all the features recited in independent claims 1, 8 and 15. Additionally, after a detailed review of Markandey, the reference fails to overcome the deficiencies noted above in Hallhake. Therefore, no combination of Hallhake and Markandey

would result in, or otherwise render obvious, claims 5, 6, 12, 13, 17 and 18 at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

Additionally, dependent claims 5, 12 and 17 appear to be distinguishable over the cited prior art on their own merit. Specifically, claims 5, 12 and 17 are directed, in part, to including a public key in the service attribute information and transmitting the same. In the Office Action, the Examiner relies exclusively on Markandey for disclosing or suggesting this feature,

Markandey is directed to a method of communicating from a transmitter to a receiver over a communication medium, which includes formatting data into a data stream that is to be communicated across the communication medium. Although Markandey appears to disclose the use of a digital signature and a public key that are transmitted together, the reference fails to disclose or suggest that the public key is included as part of service attribute information.

Accordingly, dependent claims 5, 12 and 17 are distinguishable over the cited prior art on their own merit. Claims 6, 13 and 18 are distinguishable over the cited prior art on their own merit at least by virtue of their dependencies from dependent claims 5, 12 and 17.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated May 14, 2008, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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